

### **REMARKS**

Claims 1-36, as amended, are pending in this application. In this response, Applicant has amended certain claims to clarify the present invention. In addition, Applicant has provided remarks that explain some of the differences between the present invention and the references cited by the Examiner.

In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents. As no new matter has been added by the amendments herein, Applicant respectfully requests entry of these amendments at this time.

### **THE REJECTIONS UNDER 35 U.S.C. § 103**

The Examiner rejected claims 1-36 under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art in view of U.S. Patent No. 6,584,148 to Zitting *et al.* ("Zitting") in view further view of U.S. Patent No. 6,072,793 to Dunne *et al.* ("Dunn"). Applicant respectfully submits that the cited combinations do not disclose or suggest the present invention for the reasons that follow.

Zitting discloses a system for testing a communication path for digital subscriber line (DSL) signals includes a loop management device coupled in the communication path between a DSL access multiplexer (DSLAM) and a DSL modem located at a customer premises. The system also includes a remote test interface coupled in the communication path between the loop management device and the DSL modem. The loop management device and the remote test interface communicate using voice-band signals transmitted over the communication path and collaboratively test the communication path. The remote test interface may be located at customer premises and installed between central office and splitter. Alternatively, remote test interface may take the form of or may be incorporated in a portable, hand-held device that may be coupled to communication line anywhere between loop management device and a customer premises. The remote test interface includes the circuitry shown in Fig. 4, including a relay matrix 172. Relay matrix 172 couples communication line 42 to communication line 170. Zitting does not disclose disconnecting or establishing a connect in a cross connect switch (i.e.,

loop management device), as required by the present invention, as recited in claims 1, 6, 13, 18, 25 and 30.

Dunn discloses an electronically controlled main distributing frame (ECMDF) that switches a subscriber line from a telephone switch to a modem pool when the subscriber wishes to access the Internet, and which switches the subscriber line back to the telephone switch to provide normal telephone service when the subscriber is not on the Internet. Dunn discloses that the ECMDF uses a reed switch network, which is capable only of establishing temporary connections having long hold times, and which provides a bypass for temporary use. Dunn does not disclose or suggest disconnecting or establishing a connect in a cross connect switch (i.e., loop management device), as required by the present invention, as required by the present invention, for example, as recited by claims 1, 6, 13, 18, 25 and 30. The reed switch matrix disclosed by Dunn is not the required CLEC any-to-any cross-connect switch.

In light of the amendments to claims 1, 13, and 25, Applicants submit that the Examiner's rejections have been overcome. Applicants further submit that claims 2-12, 14-24, and 26-36 are in condition for allowance at least by virtue of their dependency on claims 1, 13, and 25, but also for additional novel features recited therein. Reconsideration and allowance of the pending claims is respectfully requested.

### **CONCLUSION**

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicant invites the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith, extending the time to respond three months. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Bingham McCutchen LLP Deposit Account No. 50-4047, Order No. 7059542001.

Respectfully submitted,  
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